

REMARKS

In the non-final Office Action pending claims 1, and 3-20 stand rejected.

Herewith Applicants amend no claims, cancel claims 16-20, and add no new claims.

Applicants respectfully request entry and favorable consideration of the remarks tendered herewith which is offered in an attempt to advance prosecution to ultimate allowance of the claimed invention.

Applicants furthermore assert that the amendments presented herewith do not introduce New Matter or raise any new or additional issues requiring consideration of searching of art not now before the Examiner.

Rejections under 35 U.S.C. §102

Claims 1, 2, 5, 6, 8-12, 14, and 15 are rejected as allegedly anticipated under 35 U.S.C. §102(e) by the '806 published U.S. patent application to Hunter et al. (Hunter).

Applicants herewith respectfully antedate Hunter with the Declaration pursuant to 37 CFR 1.131 and accompanying Exhibits.

In addition, for the rejections to stand, *each and every claimed element* must be present in a single reference. Applicants restate and respectfully again point out that Hunter is devoid of any teaching regarding navigation of a distal portion of a medical electrical lead through a portion of a coronary sinus based on differing (i.e., increased) temperature of blood (i.e., exploiting the fact that a temperature variation exists between blood present within the right atrium and blood exiting the coronary sinus).

That said, upon further review of documents relevant to the conception, reduction to practice and filing of the instant application, Applicants conclude that the instant invention holds priority vis-à-vis Hunter.

Accordingly, Applicants herewith submit a Declaration under 37 CFR 1.131 (including an Invention Disclosure Form which itself incorporates a research report that together antedate Hunter).

Thus, upon entry of this Response and the accompanying Declaration Hunter no longer can be utilized to support the instant rejections and should be properly withdrawn.

Rejections under 35 U.S.C. §103

Claims 3 and 4 are rejected as allegedly unpatentable over Hunter in view of the '148 patent to Lesh et al. (Lesh).

Due to the fact that Applicants herewith antedate Hunter, Hunter cannot operate as a primary (or secondary or tertiary) reference in any proposed combination of art.

The rejection of claims 3 and 4 therefore has been overcome and should properly be withdrawn.

Claims 7 and 13 are rejected as allegedly being unpatentable over Hunter in view of the '703 patent to Zanelli et al. (Zanelli).

Due to the fact that Applicants herewith antedate Hunter, Hunter cannot operate as a primary (or secondary or tertiary) reference in any proposed combination of art.

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The rejection of claims 7 and 13 therefore has been overcome and should properly be withdrawn.

Claims 16-20 are rejected as allegedly being unpatentable over the '510 published patent application of Haldeman et al. (Haldeman) in view of Official Notice.

Due to the fact that claims 16-20 are herewith canceled the rejection of claims 16-20 is therefore moot and no substantive reply is required.

Conclusion

Applicants submit that the pending claims are now in condition for allowance and request that a notice of allowance be issued in due course.

If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned attorney to attend to these matters.

Respectfully submitted,

Date: September 27, 2007

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